

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRENDA M. JOHNSON

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CASE NO. C20-06031-RJB

ORDER ON REVIEW OF
MOTION FOR RECUSAL

On October 30, 2020, Plaintiff Johnson filed a Motion seeking to disqualify the Honorable Robert J. Bryan in this matter. Dkt. #7. On December 21, 2020, Judge Bryan issued an Order declining to recuse himself and, in accordance with this Court's Local Rules, referring that decision to the Chief Judge for review. Dkt. #11; LCR 3(f).

A judge of the United States shall disqualify himself in any proceeding in which his impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall disqualify themselves in circumstances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge

1 shall proceed no further therein, but another judge shall be assigned to hear such proceeding.”
 2 “[A] judge’s prior adverse ruling is not sufficient cause for recusal.” *United States v. Studley*,
 3 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*, 993 F.2d 710, 712
 4 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an extrajudicial source.”).

5 Plaintiff’s motion contains various allegations, including that Judge Bryan administered a
 6 judgment “without a contract with the United States of America by not being sworn in by a
 7 President chosen by the People to Govern,” threatened an employee and obstructed justice by
 8 denying Plaintiff equal and fair treatment, conducted proceedings without authority, made orders
 9 for political gain, influenced or injured officers or jurors, was biased or prejudiced, and otherwise
 10 broke the law. Dkt. #7. Plaintiff also alleges failure of Judge Bryan to answer motions, and that
 11 Defendants have not appeared when filed and served a motion. *Id.*

12 Nothing presented in Plaintiff’s motion convinces the Court that the standards for recusal
 13 have been met. Plaintiff’s allegations are factually and/or legally unsupported. Because these
 14 unsupported and conclusory allegations are insufficient to demonstrate the appearance of bias or
 15 prejudice, the Court finds no evidence upon which to reasonably question Judge Bryan’s
 16 impartiality.

17 Accordingly, the Court hereby ORDERS that Judge Bryan’s refusal to recuse himself from
 18 this matter is AFFIRMED. The Clerk SHALL provide copies of this order to Plaintiff, to all
 19 counsel of record, and to Judge Bryan.

20 DATED this 11th day of January, 2021.

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22 RICARDO S. MARTINEZ
 23 CHIEF UNITED STATES DISTRICT JUDGE
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